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16 Attorneys for Plaintiff James W. Brown

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 JAMES W. BROWN, on behalf of himself  
20 and all others similarly situated, on behalf  
21 of the general public, and as an "aggrieved  
21 employee" under the California Labor  
Code Private Attorneys General Act,

22 Plaintiff,

23 vs.

24 CLEARPOINT ADVANTAGE, LLC,  
25 dba ADVANTAGE SERVICES GROUP

27 Defendants.

Case No. CV 08-01640 WHA

28 **STIPULATION AND [PROPOSED] ORDER  
RE DEADLINE TO FILE MOTION FOR  
CLASS CERTIFICATION**

1 Plaintiff James W. Brown ("Plaintiff") and Defendant ClearPoint Advantage, LLC  
 2 ("Defendant" or "ClearPoint") hereby submit the following Stipulation and [Proposed] Order:  
 3

4 WHEREAS, in the Case Management Scheduling Order dated July 7, 2008, the Court  
 5 set November 26, 2008 as the deadline to file any motion for class certification;  
 6

7 WHEREAS, on July 25, 2008, the parties received a Notice of Settlement Conference  
 8 to be conducted on November 17, 2008;

9 WHEREAS, in the period following July 7, 2008, the Parties have informally exchanged  
 10 information related to underlying theories of liability and Defendant's distressed financial  
 11 condition;

12 WHEREAS, in light of Defendant's distressed financial condition and the impending  
 13 settlement conference, the Parties have endeavored to avoid any costly formal discovery and/or  
 14 motion practice in order that both sides can minimize legal fees and out-of-pocket expenses;  
 15 and

16 WHEREAS, in light of Defendant's distressed financial condition and the impending  
 17 settlement conference, the Parties would like to avoid engaging in the formal discovery  
 18 necessary for Plaintiff to prepare and file a class certification motion until after an opportunity  
 19 to participate in the scheduled settlement conference;

20 THEREFORE, IT IS HEREBY STIPULATED, by Plaintiff and Defendant, through  
 21 their respective counsel, that the deadline for Plaintiff to file his motion for class certification  
 22 should be continued to January 5, 2009. In so stipulating, the Parties are in agreement that if  
 23 the November 17, 2008 settlement conference does not resolve the matter, they will cooperate  
 24 in ensuring that Plaintiff is able to complete his class certification discovery promptly so as to  
 25 meet the continued motion filing deadline. The Parties further state that in requesting this  
 26 extension of time to file the motion for class certification, they are not requesting that the dates  
 27

1 related to the pretrial statement, pretrial conference or trial be changed in any way.

2 **IT IS SO STIPULATED.**

3  
4 Dated: October 9, 2008

MORGAN, LEWIS & BOCKIUS LLP

5  
6 By \_\_\_\_\_/s/  
7 Melinda S. Riechert  
8 Attorneys for Defendant  
ClearPoint Advantage, LLC, dba  
Advantage Services Group

9 Dated: October 9, 2008

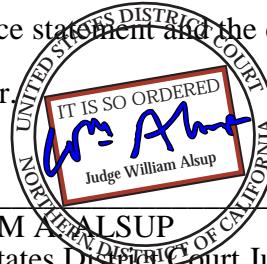
KELLER GROVER LLP

10  
11 By \_\_\_\_\_/s/  
12 Eric A. Grover  
13 Attorneys for Plaintiff  
James W. Brown

14 Dated: October 9, 2008

LAW OFFICES OF SCOT BERNSTEIN

15  
16 By \_\_\_\_\_/s/  
17 Scot Bernstein  
18 Attorneys for Plaintiff  
James W. Brown

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**ORDER**  
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Good cause appearing, IT IS HEREBY ORDERED THAT Plaintiff's Motion for  
Class Certification filing deadline that is currently set for November 26, 2008 shall be continued  
to January 5, 2009. The deadline to file the pretrial conference statement and the dates set for the  
pretrial conference and trial shall not be effected by this Order.Date: October 15, 2008WILLIAM A. ALSUP  
United States District Court JudgeGranting this extension does not imply that class-wide due diligence can be  
compromised if absent class members' rights are to be released.